

EXHIBIT

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A**Kinzer, Allen S.**

From: jschulman [jschulman@carabbalocke.com]
Sent: Friday, March 12, 2010 4:24 PM
To: Kinzer, Allen S.; acarabba@carabbalocke.com
Cc: Stephen.harmon@troutmansanders.com; Long, Michael G.; Griffaton, Michael C.
Subject: RE: Fredda Malena v. Victoria's Secret Direct, LLC / Depositions concerning Defendants' Good Faith Defense

AI:

Your understanding is incorrect. As we told the Court, we want to depose Defendants' employees in the ordinary course of discovery and not only about Defendants' anticipated motion. Unfortunately, we are not available to depose Mr. Williams and Ms. DeDios on the dates that you propose. Simply because Defendants plan to move for summary judgment well before the close of discovery does not mean that Plaintiff is required to expedite particular depositions that deal with your motion (particularly given that you want us to depose them on three business days' notice). As the Court suggested, if we feel that we are unable to oppose your motion because discovery is incomplete, we will seek relief pursuant to Rule 56(f).

We believe that we will have no problem completing discovery within the time allotted by the Court (based on our joint request) and will provide you with proposed dates for depositions sometime next week. We will also confirm whether Plaintiff is available on the date you propose. If not, we will propose additional dates.

Regards,
 Jeff

Jeffrey Schulman
 Carabba Locke LLP
 100 William Street, Suite 310
 New York, New York 10038
 212.430.6400(voice)
 212.430.6405(fax)
jschulman@carabbalocke.com

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-----Original Message-----

From: Kinzer, Allen S. [mailto:ASKinzer@vorys.com]
Sent: Friday, March 12, 2010 3:28 PM
To: acarabba@carabbalocke.com; jschulman
Cc: Stephen.harmon@troutmansanders.com; Long, Michael G.; Griffaton, Michael C.
Subject: Fredda Malena v. Victoria's Secret Direct, LLC / Depositions concerning Defendants' Good Faith Defense

Anthony and Jeff,

Based on the telephone conference with the Court, we understand that you may want to depose Doug Williams and Lynn DeDios concerning Defendant's motion for partial summary judgment. If you want to depose Doug Williams, we urge you to schedule his deposition for either March 18 or 19. Based on his schedule, he will not be available for quite a while after that. For your travel arrangements, it would make sense to depose Lynn DeDios on the same trip.

We would like to depose Plaintiff Fredda Malena on Wednesday, April 14.

Best regards,
Al Kinzer

From the law offices of Vorys, Sater, Seymour and Pease LLP.

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